



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.9714 of 2021

IN CRL OP.14677/2021

MAGESHBABU

[PETITIONER/DEFACTO COMPLAINANT]

Vs

1 THE STATE REP BY
THE INSPECTOR OF POLICE (CRIME),
R-7, K.K.NAGAR POLICE STATION,
CHENNAI-600 078,
(CRIME NO.466/2021)

[1st RESPONDENT/COMPLAINANT]

2 T.H.LOKESH

[2nd RESPONDENT/PETITIONER]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to cancel the bail granted to the 2nd Respondent/Accused-1 herein in Crl.O.P.No.14677 of 2021 and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.L.P.SHANMUGASUNDARAM, Advocate for the Petitioner and of MR. C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

This petition has been filed by the petitioner/ defacto complainant seeking to cancel the anticipatory bail order in Crl.O.P.No.14677 of 2021 dated 01.09.2021.

2.The case of the prosecution is that the petitioner is an employee of M/s.Caple Industrial Solution Private Limited. The defacto complainant, who is the owner of the company, had purchased a wood working machineries, for which, he has paid a sum of Rs.36 Lakhs to the petitioner. In that money, the petitioner had misappropriated Rs.6 Lakhs.



3.The learned counsel appearing for the petitioner submitted that the second respondent misappropriated a sum of Rs.6 Lakhs, however, this Court while granting anticipatory bail to the second respondent in Crl.O.P.No.14677 of 2021 on 01.09.2021 has inadvertently directed him to pay only a sum of Rs.50,000/-.

4.The learned counsel appearing for the second respondent submitted that without prejudice to his rights, the second respondent is ready to deposit a sum of Rs.1,50,000/-, within a period of four weeks, apart from the amount of Rs.50,000/- imposed while granting anticipatory bail. He further submitted that the second respondent has already deposited the sum of Rs.50,000/- as directed in the order dated 01.09.2021 in Crl.O.P.No.14677 of 2021 and prayed this Court to extend the time to execute sureties.

5.Considering the submission made by the learned counsel appearing for the second respondent, the second respondent is directed to pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) by way of demand draft drawn in favour of the defacto complainant, within a period of four weeks from today and the receipt/ challan of such payment shall be produced at the time of executing sureties. The time for executing sureties is extended by a further period of four weeks from today.

6.The learned XXIII Metropolitan Magistrate, Saidapet, Chennai, is directed to disburse the amount of Rs.50,000/- deposited by the second respondent, in favour of the petitioner/ defacto complainant, after obtaining appropriate affidavit of undertaking from the defacto complainant stating that in the event of the second respondent succeeding the case, the amount will be returned to the second respondent.

7.This miscellaneous petition is accordingly disposed of.

-sd/-
01/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
R-7, K.K.NAGAR POLICE STATION,
CHENNAI-600 078.

+1 C.C. to M/S.L.P.SHANMUGASUNDARAM Advocate on payment of
necessary charges SR.NO.10935

+1 C.C. to M/S.S.M.RAGHURAM Advocate on payment of necessary
charges SR.NO.10919

Order

in
CRL MP.9714/2021

in
CRL OP.14677/2021

Date :01/10/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 05/10/2021